

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY A. HATCH,

Defendant.

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Case No. 8:06CR329

ORDER

This case is before the court on the defendant's Motion to Review Order of Detention (#12). The defendant requests the court to reopen the issue of detention and allow the defendant to participate in a substance abuse program recommended by Catholic Charities.

After reviewing the November 28, 2006 Pretrial Service initial appearance report and the November 28, 2006 Order of Detention (#9), I find the motion should be denied without hearing.

The proposed placement fails to address the court's concerns as set out in the Detention Order (#9). Specifically, the placement does not address the defendant's prior history of failure to appear, his substantial prior criminal record, or his violent behavior history. Additionally, the proposed placement fails to rebut the presumption of detention under 18 U.S.C. § 3142(e). I find the defendant should remain committed.

IT IS ORDERED:

1. The defendant's Motion to Review Order of Detention (#12) is denied.

Dated this 26th day of January 2007.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge